

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

FINDINGS OF FACT IN USE OF FORCE INCIDENT

Force Type (s):	Serious Injury
Incident Date:	February 7, 2022
Publication Date:	January 5, 2023
Involved MPD Member(s): Rank, Division Assigned, Race/Gender:	Investigator 1 Violent Crime Suppression Division Asian/Male Investigator 2 Violent Crime Suppression Division Black/Male Investigator 3 Violent Crime Suppression Division White/Male Investigator 4 Violent Crime Suppression Division White/Female Investigator 5 Violent Crime Suppression Division Black/Female
Subject of the Force's Race/Gender and Age at time of the use of force incident:	Black/Male 29 years old
Use of Force Review Board Date:	October 12, 2022

SYNOPSIS OF USE OF FORCE

The subject of the force was armed with a firearm and ran from Investigator 1(INV1). INV1 chased after the subject of the force. INV1 and Investigator 2(INV2) tackled the subject of the force to the ground. Investigator 4(INV4) and Investigator 5(INV5) used hand controls to handcuff the subject of the force. INV2 and Investigator 3(INV3) picked up the subject of the force from the ground and held him against the front of an MPD vehicle to conduct a pat down of his outer garments. INV2 and INV3 pushed the subject of the force against the MPD vehicle. The subject of the force sustained a fractured finger.

Consistent with MPD policy, this use of force incident was referred to MPD's Internal Affairs Division (IAD) for investigation. MPD's use of force investigative procedures are outlined in [GO-RAR-901.07 \(Use of Force\)](#). The IAD final investigative report concluded on September 21, 2022, after all available evidence was collected and analyzed, and statements from the subject MPD members, the subject of the force, and police witnesses were reviewed. The material facts regarding this use of force incident are outlined below.

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EVENTS THAT LED TO POLICE CONTACT

1. On Sunday, February 6, 2022, around 5:30 PM, an adult male was found shot several times in the rear of the 3900 block of Martin Luther King, Jr. Avenue, SW.
2. On Monday, February 7, 2022, investigators of the Violent Crime and Suppression Division were assigned to patrol the area near the shooting. Around 8:22 PM, the investigators observed three people, one of whom was the subject of the force, in front of a business located in the 4600 block of Martin Luther King, Jr. Avenue, SW.
3. INV1 approached the subjects and the subject of the force raised his arms above his head. INV1 shined his flashlight towards the subject of the force and the two other people and engaged them in conversation.
4. INV1 looked over at the subject of the force who had a satchel draped over his shoulder. INV1 asked the subject of the force about the contents of the satchel. The subject of the force replied there was nothing in the bag and opened then quickly closed it as INV1 walked towards him.
5. The subject of the force raised his hands above his head and said, "Nothing" several times to INV1.
6. INV1 pointed his flashlight at the subject of the force's satchel and asked if he could open it again. The subject of the force took several steps back and INV1 observed a black firearm magazine sticking out from the satchel.

EVENTS THAT LED TO THE USE OF FORCE

7. The subject of the force ran away from INV1. INV1 ran after the subject of the force and grabbed onto his shirt. INV2 ran towards the subject of the force and he, along with INV1 tackled the subject of the force to the ground.
8. The subject of the force was on his back and INV2 laid on top of him and told him to not move several times.
9. INV3, INV4, INV5 and Investigator 6(INV6), ran over to assist INV1 and INV2 who were struggling with the subject of the force on the ground.
10. INV1 grabbed the subject of the force's right hand and INV6 pulled the subject of the force's right arm away from his body. INV1 said, "It's in the bag."
11. INV3 used a knife to cut the satchel's strap and pulled it away from the subject of the force. INV6 took possession of the satchel and the firearm that was inside of it.
12. INV1 held on to the subject of the force's right arm and INV5 utilized a set of handcuffs and applied a single cuff to the subject of the force's right wrist.

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13. INV4 utilized another set of handcuffs and applied one cuff to the subject of the force's left wrist.
14. The investigators turned the subject of the force over onto his stomach. INV2 and INV5 applied the other loose cuff from the subject of the force's right wrist to his left wrist. INV4 removed the handcuff that she applied to the subject of the force's left wrist.
15. INV2 and INV3 picked the subject of the force up off of the ground.
16. INV2 conducted a pat down of the subject of the force's front midsection and felt what he believed to be marijuana. INV2 asked the subject of the force if it was marijuana and the subject of the force confirmed it.
17. INV2 attempted to pull the elastic band of the subject of the force's pants but the subject of the force bent forward and stated to INV2 to get off of him.
18. INV3 pushed the subject of the force back into a standing position, he and INV2 then walked the subject of the force backwards into a parked MPD vehicle.
19. INV2 and INV3 pushed the subject of the force back against the hood of the MPD vehicle. The subject of the force's hands that were handcuffed behind his back were against the hood of the MPD vehicle.
20. The subject of the force raised his legs and kicked them outwards. INV2 and INV3 continued to hold the subject of the force against the vehicle for the next several minutes.
21. The subject of the force complained that his pants were being searched, he leaned forward and kicked his legs outward again.
22. In response, INV2 and INV3 pushed the subject of the force against the hood of the vehicle. This caused a "crumpling" sound and the subject of the force cried out in pain. While the subject of the force was searched, he complained that his hands hurt.
23. Sergeant 1(SGT1) approached the subject of the force and asked him if he was injured. The subject of the force did not provide a verbal response but shook his head no.

ACTIONS AFTER THE USES OF FORCE

24. The subject of the force was transported to the Seventh District for arrest processing.
25. Located in the transport vehicle after the subject of the force was removed was a quantity of suspected cocaine and heroin.
26. The subject of the force was searched at the Seventh District cell block and recovered from him was suspected cocaine. It was packaged in the same type of packaging as the suspected cocaine that was found in the MPD transport vehicle.

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27. The subject of the force was charged with Carrying a Pistol Without a License, Possession of a Large Capacity Ammunition Feeding Device, Possession of Unregistered Firearm, Unlawful Possession of Ammunition, Felon in Possession of a Firearm, Tampering with Physical Evidence, and Possession With Intent to Distribute a Controlled Substance.
28. The subject of the force complained of pain to his left hand while at the Seventh District cell block.
29. Sergeant 2(SGT2) interviewed the subject of the force and he reported to SGT2 that his left hand and index finger were swollen and broken.
30. The subject of the force was transported to a local hospital for treatment. Medical personnel determined that the subject of the force sustained a fracture to his left index finger and would need hand surgery.

PROSECUTORIAL REVIEW BY THE US ATTORNEY'S OFFICE (USAO)

Consistent with [GO-RAR-901.07 \(Use of Force\)](#), this incident was referred to the USAO to make an independent determination whether the use of force indicated criminal wrongdoing that should be prosecuted. On June 14, 2022, the USAO notified MPD that they were declining to prosecute the incident.

FINDINGS OF INTERNAL AFFAIRS DIVISION (IAD) ADMINISTRATIVE INVESTIGATION

On September 21, 2022, the IAD final investigation made the following findings based on a preponderance of the evidence regarding the uses of force by the involved members.

- The Use of Force-takedown with injury by INV1 was **JUSTIFIED**.
- The Use of Force-Hand Controls by INV1 was **JUSTIFIED**.
- The Use of Force-takedown with injury by INV2 was **JUSTIFIED**.
- The Use of Force-Hand Controls by INV2 was **JUSTIFIED**.
- The Use of Force-Hand Controls by INV3 was **JUSTIFIED**.
- The Use of Force-Hand Controls by INV4 was **JUSTIFIED**.
- The Use of Force-Hand Controls by INV5 was **JUSTIFIED**.

FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)

On October 12, 2022, the UFRB convened to review the final investigative report prepared by the IAD and the evidence regarding the uses of force by the involved members. The UFRB ruled:

- The Use of Force-takedown with injury by INV1 was **JUSTIFIED**.
- The Use of Force-Hand Controls by INV1 was **JUSTIFIED**.

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- The Use of Force-takedown with injury by INV2 was **JUSTIFIED.**
- The Use of Force-Hand Controls by INV2 was **JUSTIFIED.**
- The Use of Force-Hand Controls by INV3 was **JUSTIFIED.**
- The Use of Force-Hand Controls by INV4 was **JUSTIFIED.**
- The Use of Force-Hand Controls by INV5 was **JUSTIFIED.**